

Second Original

IN THE STATE COURT OF CLAYTON COUNTY  
STATE OF GEORGIA

RECEIVED & FILED  
SEP 09 2013

Mail Call  
CLERK STATE COURT  
CLAYTON COUNTY

RONNIE MOSES,  
Plaintiff,  
v.  
STEVEN BENEFIELD,  
SUPERVALU TRANSPORTATION, INC.,  
and OLD REPUBLIC INSURANCE  
COMPANY,  
Defendants.

) CIVIL ACTION

) FILE NO. 2013CV03081MG

COMPLAINT

COMES NOW Plaintiff, Ronnie Moses ("Plaintiff") files his Complaint, through undersigned counsel, and respectfully shows the Court as follows:

1.

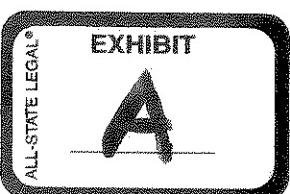
Plaintiff is a resident of the State of Georgia.

2.

Steven Benefield is an Alabama resident. He may be served with a copy of the summons and Complaint in this action at his home address: 2930 Noble Street, Anniston, Alabama 36201.

3.

Supervalu Transportation, Inc. is a foreign corporation existing under the laws of Minnesota with its principal place of business in Idaho and may be served through its registered agent, CT Corporation System, 1201 Peachtree Street, Northeast, Atlanta, Fulton County, Georgia 30361, and is subject to the jurisdiction of this Court.



4.

Old Republic Insurance Company is a foreign corporation existing under the laws of Pennsylvania with its principal place of business in Pennsylvania and may be served through its registered agent, Prentice Hall Corporation System, 40 Technology Parkway, Suite 300, Norcross, Georgia 30092.

5.

Jurisdiction and venue are proper in this Court per O.C.G.A. § 40-1-117(b).

**BACKGROUND**

6.

On April 11, 2012, Plaintiff traveled eastbound on Interstate 285 in his 2000 Toyota Camry and exited at Riverdale Road.

7.

On April 11, 2012 Defendant Steven Benefield traveled eastbound on Interstate 285 in his 1999 Mack Truck and exited at Riverdale Road.

8.

On April 11, 2012, Defendant Steven Benefield operated his tractor-trailer on behalf of Supervalu Transportation, Inc.

9.

At the time of the subject collision, Plaintiff was stopped in the far right hand turn lane waiting to turn right onto Riverdale Road.

10.

At the time of the subject collision, Defendant Benefield was in the second right hand turn lane waiting to turn right on Riverdale Road.

11.

At the time of the subject collision, Defendant Benefield ran the red light at Riverdale Road while turning right onto Riverdale Road where, at this intersection, any turn on red is prohibited.

12.

When Defendant Benefield turned right, his trailer struck Plaintiff's vehicle on driver's side.

13.

The impact of the collision caused damage to Plaintiff's vehicle.

14.

As a result of the collision, Plaintiff suffered injuries.

15.

Plaintiff is entitled to recover all past, present, and future damages suffered as a result of this incident.

**COUNT I: NEGLIGENCE**

16.

Plaintiff incorporates by reference each earlier paragraph of this Complaint with the full force and effect as if they were restated verbatim.

17.

Defendant Benefield was negligent in the following manner:

- (a) failing to maintain lane in violation of O.C.G.A. § 40-6-48; and
- (b) failing to obey traffic control device in violation of O.C.G.A. § 40-6-20.

18.

Defendant Benefield was negligent in failing to maintain a proper lookout for Plaintiff's vehicle and colliding with Plaintiff's vehicle.

19.

Defendant Benefield's negligence was the sole and proximate cause of collision, and Plaintiff's resulting injuries.

20.

As a direct and proximate result of Defendants' negligence, Plaintiff suffered injuries and damages. Plaintiff is entitled to monetary damages from Defendants to compensate him for the following elements of damage:

- a. Medical expense;
- b. Pain and suffering;
- c. Mental anguish;
- d. Lost wages;
- e. Punitive damages; and
- f. Diminished quality of life.

21.

As a proximate and direct result of Defendant Benefield's negligence, Plaintiff suffered damages no less than as follows:

South Fulton Medical Center	\$ 3,486.79
South Fulton Emergency Physicians	\$ 726.00
Radisphere Radiology	\$ 120.00
Hands On Chiropractic	\$ 3,123.00
Bertrand Chiropractic	\$ 1,970.00
Regional Medical Group	\$ 2,436.50

Atlanta Medical Management	\$ 14,698.00
Reliance Health	\$ 890.00
Rehab South	\$ 4,627.00
Dominion Orthopaedic	\$ 6,303.00
Genesis Sports Medicine and Rehab	\$ 2,586.00
Northside Hospital	\$ 13,230.00
Northside Anesthesiology Consultants	\$ 1,150.00
Lost Wages	\$ 30,492.00
Mileage	\$ 754.93
Future Medical Expenses	\$ TBD
<b>TOTAL SPECIAL DAMAGES</b>	<b>\$ 86,593.22</b>

22.

Defendants' conduct was reckless, willful and wanton, and demonstrates a conscious indifference to consequences of their actions and entitles Plaintiff to an award of punitive damages.

23.

Defendants have been stubbornly litigious, acted in bad faith, and have caused Plaintiff to incur unnecessary trouble and expense for which he is entitled to recover attorney's fees, costs, and expenses, pursuant to O.C.G.A. § 13-6-11.

WHEREFORE, Plaintiff demands judgment against Defendants for special damages in an amount to be proven at trial, but no less than \$86,593.22, for general damages for pain and suffering and loss of enjoyment of life in amounts to be determined at trial, together with pre and post judgment interest as allowed by law, punitive damages, attorney's fees, costs, expenses pursuant to O.C.G.A. § 13-6-11, and for such other and further relief as this Court deems just and proper.

**COUNT II: IMPUTED LIABILITY**

24.

Plaintiff incorporates by reference each earlier paragraph of this Complaint with the full force and effect as if they were restated verbatim.

25.

At the time of the subject collision, Defendant Benefield was under dispatch for Defendant Supervalu Transportation, Inc.

26.

Defendant Supervalu Transportation, Inc. is responsible for the actions of Defendant Benefield in regard to the collision described in this Complaint under the doctrine of lease liability, respondent superior, agency and/or apparent liability.

27.

As a direct and proximate result of Defendants' negligence, Plaintiff suffered injuries and damages. Plaintiff is entitled to monetary damages from Defendants to compensate him for the following elements of damage:

- a. Medical expense;
- b. Pain and suffering;
- c. Mental anguish;
- d. Lost wages;
- e. Punitive damages; and
- f. Diminished quality of life.

28.

As a proximate and direct result of Defendants' negligence, Plaintiff suffered damages no less than as follows:

South Fulton Medical Center	\$ 3,486.79
South Fulton Emergency Physicians	\$ 726.00
Radisphere Radiology	\$ 120.00
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Mileage	\$ 754.93
Future Medical Expenses	\$ TBD
<b>TOTAL SPECIAL DAMAGES</b>	<b>\$ 86,593.22</b>

29.

Defendants' conduct was reckless, willful and wanton, and demonstrates a conscious indifference to consequences of their actions and entitles Plaintiff to an award of punitive damages.

30.

Defendants have been stubbornly litigious, acted in bad faith, and have caused Plaintiff to incur unnecessary trouble and expense for which he is entitled to recover attorney's fees, costs, and expenses, pursuant to O.C.G.A. § 13-6-11.

WHEREFORE, Plaintiff demands judgment against Defendants for special damages in an amount to be proven at trial, but no less than \$86,593.22, for general damages for pain and suffering and loss of enjoyment of life in amounts to be determined at trial, together with pre and

post judgment interest as allowed by law, punitive damages, attorney's fees, costs, expenses pursuant to O.C.G.A. § 13-6-11, and for such other and further relief as this Court deems just and proper.

**COUNT III: NEGLIGENT HIRING, TRAINING & SUPERVISION**

31.

Plaintiff incorporates by reference each earlier paragraph of this Complaint with the full force and effect as if they were restated verbatim.

32.

Defendant Supervalu Transportation, Inc. was negligent in hiring Defendant Benefield and entrusting him to drive a tractor-trailer.

33.

Defendant Supervalu Transportation, Inc. was negligent in failing to properly train Defendant Benefield.

34.

Defendant Supervalu Transportation, Inc. was negligent in failing to properly supervise Defendant Benefield.

35.

Defendant Supervalu Transportation, Inc.'s negligence in hiring Defendant Benefield and entrusting him with driving a commercial vehicle and failing to train and supervise him properly was the sole and proximate cause of the collision, and Plaintiff's resulting injuries.

36.

As a direct and proximate result of Defendants' negligence, Plaintiff suffered injuries and damages. Plaintiff is entitled to monetary damages from Defendants to compensate him for the following elements of damage:

- a. Medical expense;
- b. Pain and suffering;
- c. Mental anguish;
- d. Lost wages;
- e. Punitive damages; and
- f. Diminished quality of life.

37.

As a proximate and direct result of Defendants' negligence, Plaintiff suffered damages no less than as follows:

South Fulton Medical Center	\$ 3,486.79
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Mileage	\$ 754.93
Future Medical Expenses	\$ TBD
<b>TOTAL SPECIAL DAMAGES</b>	<b>\$ 86,593.22</b>

38.

Defendants' conduct was reckless, willful and wanton, and demonstrates a conscious indifference to consequences of their actions and entitles Plaintiff to an award of punitive damages.

39.

Defendants have been stubbornly litigious, acted in bad faith, and have caused Plaintiff to incur unnecessary trouble and expense for which he is entitled to recover attorney's fees, costs, and expenses, pursuant to O.C.G.A. § 13-6-11.

WHEREFORE, Plaintiff demands judgment against Defendants for special damages in an amount to be proven at trial, but no less than \$86,593.22, for general damages for pain and suffering and loss of enjoyment of life in amounts to be determined at trial, together with pre and post judgment interest as allowed by law, punitive damages, attorney's fees, costs, expenses pursuant to O.C.G.A. § 13-6-11, and for such other and further relief as this Court deems just and proper.

**COUNT IV: DIRECT ACTION**

40.

Plaintiff incorporates by reference each earlier paragraph of this Complaint with the full force and effect as if they were restated verbatim.

41.

Defendant Old Republic Insurance Company is subject to a direct action as the insurer for Defendant Supervalu Transportation, Inc. pursuant to O.C.G.A. § 40-2-140.

42.

Defendant Old Republic Insurance Company was the insurer of Defendant Supervalu Transportation, Inc. at the time of the subject incident and issued a liability policy to comply with the filing requirements under Georgia law for intrastate transportation.

43.

Defendant Old Republic Insurance Company and Defendant Supervalu Transportation, Inc. are subject to the filing requirements outlined in O.C.G.A. § 40-2-140.

44.

Defendant Old Republic Insurance Company is responsible for any judgment rendered against Defendant Supervalu Transportation, Inc. and Defendant Benefield up to its policy limits of coverage.

45.

As a direct and proximate result of Defendants' negligence, Plaintiff suffered injuries and damages. Plaintiff is entitled to monetary damages from Defendants to compensate him for the following elements of damage:

- b. Medical expense;
- b. Pain and suffering;
- c. Mental anguish;
- d. Lost wages;
- e. Punitive damages; and
- f. Diminished quality of life.

46.

Defendants' negligence is the sole and proximate cause of Plaintiffs' injuries.

47.

As a proximate and direct result of Defendants' negligence, Plaintiff suffered damages no less than as follows:

South Fulton Medical Center	\$ 3,486.79
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<b>TOTAL SPECIAL DAMAGES</b>	<b>\$ 86,593.22</b>

48.

Defendants' conduct was reckless, willful and wanton, and demonstrates a conscious indifference to consequences of their actions and entitles Plaintiff to an award of punitive damages.

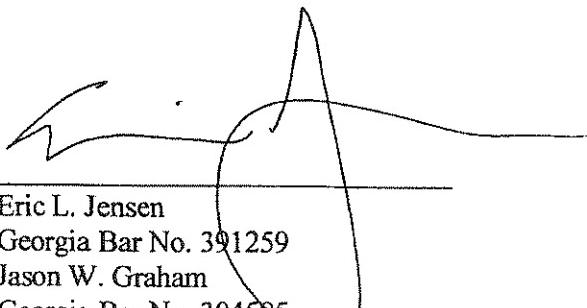
49.

Defendants have been stubbornly litigious, acted in bad faith, and have caused Plaintiff to incur unnecessary trouble and expense for which he is entitled to recover attorney's fees, costs, and expenses, pursuant to O.C.G.A. § 13-6-11.

WHEREFORE, Plaintiff demands judgment against Defendants for special damages in an amount to be proven at trial, but no less than \$86,593.22, for general damages for pain and suffering and loss of enjoyment of life in amounts to be determined at trial, together with pre and

post judgment interest as allowed by law, punitive damages, attorney's fees, costs, expenses pursuant to O.C.G.A. § 13-6-11, and for such other and further relief as this Court deems just and proper.

This the 6 day of September, 2013.



Eric L. Jensen  
Georgia Bar No. 391259  
Jason W. Graham  
Georgia Bar No. 304595  
T. Brandon Welch  
Georgia Bar No. 152409  
Attorneys for Plaintiff

Graham & Penman, LLP  
17 Executive Park Drive  
Suite 115  
Atlanta, Georgia 30329  
Telephone: (404) 842-9380  
Facsimile: (678) 904-3110

Second Original

IN THE STATE COURT OF CLAYTON COUNTY, GEORGIA  
9151 TARA BOULEVARD, ROOM 1CL181, JONESBORO, GEORGIA 30236  
TELEPHONE: (770) 477-3388 \* FACSIMILE: (770) 472-8159

Ronnie Moses


Plaintiff

Vs.

Supervalu Transportation, Inc.) c/o CT Corporation

System, 1201 Peachtree Street, N.E.

Atlanta, Georgia 30361

Defendant

*2013 CV 03081 NG*

Case Number

**SUMMONS**

TO THE ABOVE NAMED DEFENDANT(S):

You are hereby summoned and required to file with the Clerk of said Court and serve upon Plaintiff's Attorney, whose name and address is:

Eric L. Jensen  
Graham and Penman, LLP  
17 Executive Park Drive  
Suite 115  
Atlanta, Georgia 30329

RECEIVED FULTON COUNTY  
MARSHAL'S DEPARTMENT  
2013 SEP 17 A 9:11

answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, Judgment by default will be taken against you for the relief demanded in the complaint.

GAIL CARNES  
CLERK OF COURT  
State Court of Clayton County

By: \_\_\_\_\_

Deputy Clerk

*S. Bradley 425 9/18/13*

**ORIGINAL**

**IN THE STATE COURT OF CLAYTON COUNTY, GEORGIA**  
9151 TARA BOULEVARD, ROOM 1CL181, JONESBORO, GEORGIA 30236  
TELEPHONE: (770) 477-3388 \* FACSIMILE: (770) 472-8159

Ronnie Moses

Plaintiff

vs.

Steven Benefield,

2013 CV 03081 MG

Case Number

Supervalu Transportation, Inc., and

Old Republic Insurance Company

Defendant

**SUMMONS**

**TO THE ABOVE NAMED DEFENDANT(S):**

You are hereby summoned and required to file with the Clerk of said Court and serve upon Plaintiff's Attorney, whose name and address is:

Eric L. Jensen

Graham and Penman, LLP

17 Executive Park Drive

Suite 115

Atlanta, Georgia 30329

answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, Judgment by default will be taken against you for the relief demanded in the complaint.

**GAIL CARNES  
CLERK OF COURT  
State Court of Clayton County**

By: WMC  
Deputy Clerk

## General Civil Case Filing Information Form (Non-Domestic)

Court  
 Superior  
 State

County Clayton

Date Filed

Docket # 2013 CV 03081 MG

MM-DD-YYYY

**Plaintiff(s)**

Moses, Ronnie

Last	First	Middle I.	Suffix	Prefix	Maiden
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Last	First	Middle I.	Suffix	Prefix	Maiden
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Last	First	Middle I.	Suffix	Prefix	Maiden
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Last	First	Middle I.	Suffix	Prefix	Maiden
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No. of Plaintiffs 1Plaintiff/Petitioner's Attorney  Pro Se

Jensen, Eric L.

Last	First	Middle I.	Suffix
------	-------	-----------	--------

Bar # 3A1259**Check Primary Type (Check only ONE)**

- Contract/Account
- Wills/Estate
- Real Property
- Dispossessory/Distress
- Personal Property
- Equity
- Habeas Corpus
- Appeals, Reviews
- Post Judgment Garnishment, Attachment, or Other Relief
- Non-Domestic Contempt
- Tort (If tort, fill in right column)
- Other General Civil Specify \_\_\_\_\_

**Defendant(s)**

Benefield, Steven

Last	First	Middle I.	Suffix	Prefix	Maiden
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Supervalu Transportation, Inc.

Last	First	Middle I.	Suffix	Prefix	Maiden
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Old Republic Insurance Company

Last	First	Middle I.	Suffix	Prefix	Maiden
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Last	First	Middle I.	Suffix	Prefix	Maiden
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Last	First	Middle I.	Suffix	Prefix	Maiden
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No. of Defendants 3**If Tort Is Case Type:**  
(Check no more than TWO)

- Auto Accident
- Premises Liability
- Medical Malpractice
- Other Professional Negligence
- Product Liability
- Other Specify \_\_\_\_\_

Are Punitive Damages Pledged?  Yes  No

# FILE COPY

IN THE STATE COURT OF CLAYTON COUNTY  
STATE OF GEORGIA

RONNIE MOSES,

Plaintiff,

v.

STEVEN BENEFIELD,

SUPERVALU TRANSPORTATION, INC.,

and OLD REPUBLIC INSURANCE

COMPANY,

Defendants.

) CIVIL ACTION

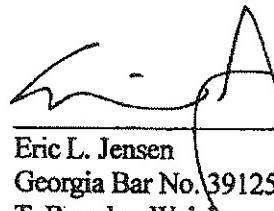
) FILE NO. 2013 CV 03081 MG

## PLAINTIFF'S CERTIFICATE REGARDING SERVICE OF DISCOVERY

Pursuant to Uniform Superior Court Rule 5.2, counsel certifies that he served on this day the following discovery:

- 1) Plaintiff's First Interrogatories and Request for Production of Documents to Defendant Supervalu Transportation, Inc.;
- 2) Plaintiff's First Interrogatories and Request for Production of Documents to Defendant Steven Benefield;

This the 6 day of September, 2013.

  
Eric L. Jensen  
Georgia Bar No. 391259  
T. Brandon Welch  
Georgia Bar No. 152409  
Raegan M. King  
Georgia Bar. No. 812035  
Attorneys for Plaintiff

Graham & Penman, LLP  
17 Executive Park Drive  
Suite 115  
Atlanta, Georgia 30329  
Telephone: (404) 842-9380  
Facsimile: (678) 904-3110

RECEIVED & FILED  
SEP 09 2013  
CLAYTON COUNTY  
STATE COURT

RECEIVED, FULLER COUNTY  
MARSHAL'S DEPARTMENT  
2013 SEP 17 A #12

**CERTIFICATE OF SERVICE**

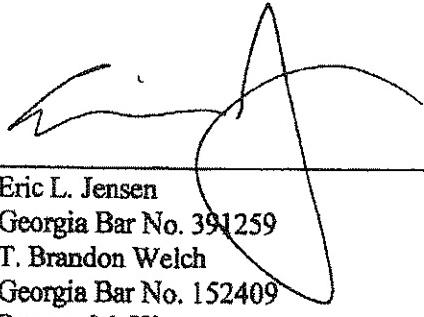
This is to certify that I have on this day served a copy of the foregoing Certificate Regarding Service of Discovery via Sheriff's service, to the following:

Steven Benefield  
2930 Noble Street  
Anniston, Alabama 36201

Supervalu Transportation, Inc.  
c/o CT Corporation System  
1201 Peachtree Street, N.E.  
Atlanta, Georgia 30361

Old Republic Insurance Company  
c/o Prentice Hall Corporation System  
40 Technology Parkway  
Norcross, Georgia 30092

This the 6 day of September, 2013.



Eric L. Jensen  
Georgia Bar No. 391259  
T. Brandon Welch  
Georgia Bar No. 152409  
Raegan M. King  
Georgia Bar. No. 812035  
Attorneys for Plaintiff

Graham & Penman, LLP  
17 Executive Park Drive  
Suite 115  
Atlanta, Georgia 30329  
Telephone: (404) 842-9380  
Facsimile: (678) 904-3110

**STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA**

Eric L. Jensen  
17 Executive Park Dr.  
Suite 115  
Atlanta, GA 30329

**Attorney or Plaintiff Name and Address**

Ronnie Moses  
Strong Drink c/o Graham + Penman,  
17 Executive Park Drive, Ste. 115  
P.O. Box 32372 vs

Name and Address of PLAINTIFF

**DO NOT WRITE IN THIS SPACE**

13MR027175	
Case 2013cv03081 MCF	
<del>RECEIVED CLERK'S OFFICE</del>	
COST PAID	
SEP 17	
Fulton County Marshal's Dept.	
Received by [initials]	
S. [initials] BSY	

~~Georgia~~ Supervalu Transportation Inc.  
c/o CT Corporation System,  
1201 Peachtree St., N.E.  
Atlanta, GA 30361  
Name and Address of DEFENDANT

## MARSHAL'S ENTRY OF SERVICE

PERSONAL	GEORGIA, FULTON COUNTY I have this day served the defendant(s) _____  and summons. This _____ day of _____	RECEIVED & FILED SEP 25 2013	personally with a copy of the within action
NOTORIOUS	GEORGIA, FULTON COUNTY I have this day served the defendant(s) by leaving a copy of the action and summons at his/their most notorious place of abode in said County. Delivered same in hands of _____, a _____, described as follows: Age, about _____ years; weight, about _____ lbs; height, about _____ ft. domiciled at the residence of the defendant(s). This _____ day of _____	Hollie C. Gandy CLERK, CLAYTON COUNTY CLAYTON COUNTY	DEPUTY MARSHAL
CORPORATION	GEORGIA, FULTON COUNTY Served the defendant _____, a corporation, by leaving a copy of the within action and summons with _____, in charge of the office and place doing business of said corporation, in Fulton County, Georgia. This 18 day of September 2013. (Bud) 425	Supervisory Transportation ABN Agency Services	RECEIVED, FULTON COUNTY MARSHAL'S DEPARTMENT SEP 17 2013 A # 425 9:15 AM
BETTER ADDRESS	GEORGIA, FULTON COUNTY  Diligent search made and the defendant(s):  not to be found in the jurisdiction of said Court for the following reason:  Please furnish this office with a new service form with the correct address.		
NON-EST	This _____ day of _____		DEPUTY MARSHAL

Record ID 47450

Civil Action No. 2013CV03081MGT

Date Filed "

 Magistrate Court Superior Court State Court

Georgia, GWINNETT COUNTY

Case 2013CV03081MGT

Jimmy Drake - Ronnie Moses Plaintiff

vs.

Old Republic Insurance Company

R	E	S	P	Defendant
F	E	C	S	
O	E	I	S	
N	E	M	D	
V	E	A	O	
E	V	L	G	
C	E	L	K	
23				Garnishee

## Attorney's Address

Eric L. Jensen  
 Graham + Penman, LLP  
 17 Executive Park Dr., Ste. 115  
 Atlanta, GA 30329

## Name and Address of Party to be Served

Old Republic Insurance Co. /c/o  
 Prentice Hall Corporation System, 40  
 Technology Pkwy., Ste. 300  
 Norcross, GA 30092

SHERIFF'S RECEIVED &amp; FILED

PERSONAL

I have this day served the defendant \_\_\_\_\_ personally with a copy of the within action and summons.

Shelley Canary  
CLERK STATE COURT  
CLAYTON COUNTY

NOTORIOUS

I have this day served the defendant \_\_\_\_\_ by leaving a copy of the action and summons at his most notorious place of abode in this County.

CORPORATION

Delivered same into hands of \_\_\_\_\_ described as follows age, about \_\_\_\_\_ years; weight, about \_\_\_\_\_ pounds; height, about \_\_\_\_\_ feet and \_\_\_\_\_ inches, domiciled at the residence of defendant.

Served the defendant OLD REPUBLIC INSURANCE CO. a corporation by leaving a copy of the within action and summons with ALISHA SMITH, RA in charge of the office and place of doing business of said Corporation in this County.

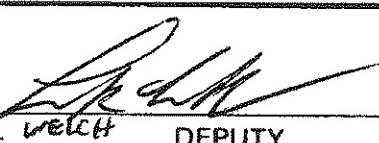
TACK &amp; MAIL

I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said affidavit, and on the same day of such posting by depositing a true copy of same in the United States Mail, First Class in an envelope properly addressed to the defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the place stated in the summons.

NON EST

Diligent search made and defendant \_\_\_\_\_ not to be found in the jurisdiction of this Court.

This 17 day of SEPT, 2013  
0945A



MARK WELCH DEPUTY

SHERIFF DOCKET \_\_\_\_\_ PAGE \_\_\_\_\_

GWINNETT COUNTY, GEORGIA

WHITE: Clerk CANARY: Plaintiff Attorney PINK: Defendant